

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:	§	Case No. 19-10926-tmd
	§	
ORLY GINGER,	§	
	§	
Debtor.	§	Chapter 7

**APPLICATION FOR RETENTION OF KASOWITZ BENSON TORRES LLP AS
ATTORNEYS FOR A SPECIAL PURPOSE PURSUANT TO 11 U.S.C §327(e)**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely response is necessary for a hearing to be held.

COMES NOW Ron Satija, Trustee ("Applicant"), the duly appointed and acting trustee in the above-captioned bankruptcy case, and hereby files his *Application for Retention of Kasowitz Benson Torres LLP as Attorneys for a Special Purpose Pursuant to 11 U.S.C. §327(e)* (the "Application"), and would show the Court as follows:

1. The applicant is Ron Satija, Chapter 7 Trustee in this case which was filed on July 12, 2019 (the "Petition Date").
2. Included in the Debtor's bankruptcy estate are various fraud related claims (the "Litigation") relating to the actions of Dalia Genger ("Dalia"), the trustee of a trust of which Debtor is a beneficiary, and Sagi Genger ("Sagi"), Debtor's brother.
3. The applicant seeks to employ Kasowitz Benson Torres LLP (the "KBT") as his attorneys for a specified special purpose to represent him with respect to the Litigation. KBT has been involved in the Litigation for years, and therefore possesses significant knowledge and expertise with respect to the issues in the Litigation. No other counsel possesses the same requisite experience or background as KBT. Additionally, KBT has agreed to take on this representation on a contingency fee basis, which other firms have been unwilling to do. For

these reasons, it is in the best interest of the estate for KBT to be employed to represent the Trustee in pursuing the Litigation. The Trustee believes that it is in the best interest of the estate to employ KBT on these issues only, but not to represent the Trustee generally.

4. The primary attorney for KBT with respect to the Litigation will be Michael Paul Bowen, who is a Licensed Attorney in good standing with the State Bar of New York. KBT's primary office for the practice of law is located at 1633 Broadway, New York, NY 10019. KBT also maintains other offices for the practice of law, including one located at 1415 Louisiana Street, Suite 2100, Houston, TX 77002.

5. KBT is a creditor of the bankruptcy estate, but KBT does not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which KBT is to be employed. Attached hereto as **Exhibits "A" and "B"**, respectively, are the Disclosure of Compensation under 11 U.S.C. § 329 and Bankruptcy Rule 2016(b) and the affidavit of Michael Paul Bowen that KBT has no interest adverse to this estate with respect to the Litigation.

6. KBT will be compensated on a contingency fee basis of thirty-three and one-third percent (33.33%) of any recovery in Litigation. The attorneys will also be entitled to reimbursement of reasonable expenses. Attached hereto as **Exhibit "C"** is the fee agreement of KBT, which includes four specific matters named therein which are currently pending in courts in the State of New York. No compensation will be paid until a fee application has been filed and approved by the court, pursuant to 11 U.S.C. § 328(a) and the requirements of any other applicable law. Further, KBT has been instructed that any settlement of the Litigation requires approval from this Court pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure. KBT has also been instructed that the terms of any settlement must call for all settlement funds to be paid to the Trustee for administration through the estate.

WHEREFORE PREMISES CONSIDERED, Ron Satija, Chapter 7 Trustee, prays that he be authorized to retain Kasowitz Benson Torres, LLP as his attorneys for a special purpose, and for other just relief.

Respectfully submitted,

/s/ Ron Satija

Ron Satija, Trustee

GRAVES, DOUGHERTY, HEARON & MOODY
401 Congress Avenue, Suite 2700
Austin, TX 78701
Telephone: 512.480.5626
Facsimile: 512.536.9926
bcumings@gdhm.com

By:/s/ Brian T. Cumings

Brian T. Cumings

COUNSEL FOR RON SATIJA, CHAPTER
7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of October 2019, I electronically filed this Application with the Clerk of Court using the CM/ECF system which will send notification of such filing to those receiving electronic service, and service was made via U.S. First Class Mail within two business days to those listed below and those listed on the Service List appended to this Application.

United States Trustee - AU12
United States Trustee
903 San Jacinto Blvd., Suite 230
Austin, TX 78701-2450

Ron Satija
Chapter 7 Trustee
P.O. Box 660208
Austin, TX 78766-7208
Chapter 7 Trustee

Sabrina L. Streusand
Streusand Landon Ozburn & Lemmon, LLP
1801 S. MoPac Expressway, Suite 320
Austin, TX 78746

Orly Genger
210 Lavaca St., Unit 1903
Austin, TX 78701-4582
Debtor

Eric Taube
Waller Lansden Dortch & Davis, LLP
100 Congress Ave., Suite 1800
Austin, TX 78701
Debtor's Counsel

John Dellaportas
Emmet Marvin & Martin, LLP
120 Broadway
New York, NY 10280

The Orly Genger 1993 Trust
c/o Jay Ong
Munsch Hardy Kopf & Harr PC
303 Colorado St., #2600
Austin, TX 78701

Eric Herschmann
210 Lavaca St., Unit 1903
Austin, TX 78701

Kasowitz Benson Torres LLP
1633 Broadway, 21st Floor
New York, NY 10019

Ray Battaglia
66 Granburg Circle
San Antonio, TX 78218-3010

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7246

Zeichner Ellman & Krause LLP
1211 Avenue of the Americas, 40th Fl.
New York, NY 10036-6149

Arie Genger
19111 Collins Ave., Apt. 706
Sunny Isles, FL 33160-2379

Deborah Williamson
Dykema Gossett PLLC
112 East Pecan St., Suite 1800
San Antonio, TX 78205

Chris Gartman
Hughes Hubbard & Reed LLP
One Battery Park Plaza, 16th Fl.
New York, NY 10004-1482

SureTex Insurance Co.
c/o Clark Hill Strasburger
901 Main Street, #6000
Dallas, TX 75202

D&K GP LLC and Dalia Genger
c/o Shelby Jordan
Jordan Holzer & Ortiz, PC
6207 Bee Cave Road, Suite 120
Austin, TX 78746

By: /s/ Brian T. Cumings
Brian T. Cumings